

1 Introduced by Council Member Morgan:
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4 **ORDINANCE 2018-310**

5 AN ORDINANCE CREATING A NEW SECTION 320.202
6 (COMMERCIALLY LEASED PARCELS; APPROVAL OF
7 PROPOSED USE PRIOR TO LEASE), PART 2 (TESTS
8 AND APPROVALS), CHAPTER 320 (GENERAL
9 PROVISIONS), TITLE VIII (CONSTRUCTION
10 REGULATIONS AND BUILDING CODES), *ORDINANCE*
11 *CODE*, TO REQUIRE A BUILDING CONFIRMATION
12 LETTER OR ARCHITECT'S CERTIFICATION FOR
13 COMMERCIALLY LEASED PARCELS; AMENDING SECTION
14 656.152 (CERTIFICATE OF USE APPLICATION AND
15 FEE), SUBPART E. CERTIFICATES OF USE, PART 1
16 (GENERAL PROVISIONS), CHAPTER 656 (ZONING
17 CODE), TO INCLUDE THE BUILDING CONFIRMATION
18 LETTER OR ARCHITECT'S CERTIFICATION IN THE COU
19 APPLICATION PROCESS; PROVIDING AN EFFECTIVE
20 DATE.
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22 **WHEREAS**, the City desires to better inform business owners and
23 property owners of any required improvements, updates or changes to
24 a commercial property when it is converted from one use to another
25 in advance of persons having to expend additional costs to comply
26 with state and local Building and Fire Code requirements, and the
27 City believes that advance notification best protects those
28 investors and the public; now therefore

29 **BE IT ORDAINED** by the Council of the City of Jacksonville:

30 **Section 1. Creating a new Section 320.202 (Commercially**
31 **Leased Parcels; Approval Prior to Lease), Chapter 320 (General**

1 **Provisions), Ordinance Code.** Section 320.202 (Commercially Leased
2 Parcels; Approval Prior to lease), Part 2 (Tests and Approvals),
3 Chapter 320 (General Provisions), Title VIII (Construction
4 Regulations and Building Codes), *Ordinance Code*, is hereby created
5 to read as follows:

6 **TITLE VIII. CONSTRUCTION REGULATIONS AND BUILDING CODES.**

7 **CHAPTER 320. GENERAL PROVISIONS**

8 * * *

9 **PART 2. TESTS AND APPROVALS**

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11 **Sec. 320.202. - Commercially Leased Parcels; Approval of**
12 **Proposed Use Prior to Lease.** No owner shall lease or rent
13 commercial property to a tenant or lessee without first obtaining
14 from the Building Inspection Division a Building Confirmation
15 Letter. The owner shall submit a request on a form approved by the
16 Building Inspection Division for the Building Confirmation Letter
17 with the address and unit number of the commercial property, along
18 with the payment of a fee as established by the Building Inspection
19 Division. The fee shall be subject to the Annual Review of Fees
20 provision found in Section 106.112, *Ordinance Code*, and shall be as
21 found in <http://www.coj.net/fees>. Upon receipt of the request and
22 payment of the fee, the Building Inspection Division will issue a
23 Building Confirmation Letter which shall confirm the present or
24 last known use of the commercial property, and if documented in the
25 Building Inspection Division records, and will provide information
26 as to whether any additions or upgrades may be required for the
27 proposed or intended use according to the Building Code or Fire
28 Code. In lieu of a Building Confirmation Letter, the owner may
29 provide a certification of the present or last known use of the
30 commercial property from the owner's Florida-licensed architect. In
31 order for the architect to provide such certification, the

1 architect is required to inspect the commercial property as part of
2 the certification process prior to issuance of the certification.
3 A copy of the Building Confirmation Letter or architect's
4 certification shall be provided to the lessee and included in any
5 application for Certificate of Use pursuant to Section 656.151, *et*
6 *seq.*, *Ordinance Code*.

7 **Section 2. Amending Section 656.152 (Certificates of use**
8 **application and fee), Subpart E (Certificates of Use), Chapter 656**
9 **(Zoning Code), Ordinance Code.** Section 656.152 (Certificates of
10 use application and fee), Chapter 656 (Zoning Code), Part 1
11 (General Provisions), Subpart E (Certificate of Use), *Ordinance*
12 *Code*, is hereby amended to read as follows:

13 **CHAPTER 656. ZONING CODE**

14 **PART 1. GENERAL PROVISIONS**

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16 **SUBPART E. CERTIFICATES OF USE**

17 * * *

18 **Sec. 656.152. Certificates of use application and fee.**

19 (a) An application for a certificate of use shall be filed
20 with the Department. The Director is authorized and directed to
21 establish a certificate of use application, which shall contain the
22 following information:

23 (1) Applicant's name, address, phone number and email
24 address;

25 (2) Applicant's business name, address, phone number and
26 email address;

27 (3) The previous use of the structure;

28 (4) The proposed use of the structure;

29 (5) Seating capacity of the structure; ~~and~~

30 (6) Square footage of the use or structure;

31 (7) ~~Any Additional information deemed necessary by the~~

1 ~~Director.~~ A Building Certification Letter or architect's
2 certification pursuant to Section 320.202, Ordinance Code, as
3 required; and

4 (8) Any Additional information deemed necessary by the
5 Director.

6 (b) Except for those certificates of use issued solely for a
7 change in name and/or ownership, the fee for a certificate of use
8 is as found in www.coj.net/fees. An applicant for a certificate of
9 use shall pay the fee to the Department upon receipt of the
10 certificate of use. The fee for certificates of use issued for a
11 change in name and/or ownership is as found in www.coj.net/fees,
12 and subject to the Annual Review of Fees provision found in Section
13 106.112, Ordinance Code.

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15 **Section 3. Effective Date.** This Ordinance shall become
16 effective upon signature by the Mayor or upon becoming effective
17 without the Mayor's signature.

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19 Form Approved:

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21 _____
22 Office of General Counsel

23 Legislation Prepared by: Paige H. Johnston

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